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For Immediate Release
2007AG0016-000450
April 19, 2007

Ministry of Attorney General

BILL UPDATES GUARDIANSHIP AND INCAPACITY PLANNING LAWS

VICTORIA – Adult guardianship laws will be modernized and British Columbians will have better tools available to make their own incapacity plans for health and personal care and financial and legal affairs, said Attorney General Wally Oppal today as he introduced Bill 29 to the legislature.

"This bill empowers people to make their own decisions about who will look after their welfare in the event that they become incapable of making decisions on their own," said Oppal. "With a growing population of elderly citizens, we want to ensure that British Columbians have the legal tools to make effective plans for incapacity. Further, a modernized guardianship system must be in place for a person who has decided not to make a plan or whose plan fails."

The bill has benefited significantly from consultations with the public, health-care and legal professionals, seniors' advocates and others.

"The new guardianship law strikes an improved balance between protection and self-determination for adults who have guardians," said Public Guardian and Trustee Jay Chalke, Q.C. "The replacement of the old Patients Property Act with this new law allows all guardians to better implement modern adult guardianship principles of autonomy, procedural fairness and the use of the least restrictive and intrusive form of support."

The act enhances incapacity planning options by strengthening and clarifying representation agreements and enduring powers of attorney. The act also introduces an additional planning option, called an advance directive, for health-care decisions. Advance directives give British Columbians another choice for communicating their health-care wishes. Government has consulted extensively with the public and community groups to refine this option.

"This act offers British Columbians accessible planning instruments that have the appropriate safeguards to protect against misuse and that allow them to develop a document in accordance with their values and beliefs," said Catherine Mykyte, president of the Catholic Health Association of British Columbia.

Carolyn Tayler, president of the British Columbia Hospice Palliative Care Association, said her association supports this legislation because it gives British Columbians an opportunity to make their wishes known about future health-care choices should they become unable to speak for themselves.

"We support the creation of legislation that will honour personal choice and freedom in these important life decisions related to quality end-of-life care," Tayler said.

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Government will work with interested groups to bring the legislation into effect, including development of regulations and professional and public education.

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